

Department of the Interior Departmental Manual

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Series: Aviation Management

Part 353: Aviation Services

Chapter 1: Aircraft Contracting

Originating Office: National Business Center

353 DM 1

1.1 **Purpose.** The purpose of this chapter is to establish policy and procedures for the acquisition of aircraft and aircraft-related services in support of Departmental programs.

1.2 **Covered Services.** The National Business Center (NBC), Aviation Management Directorate (AMD) is responsible for the acquisition of aircraft and commercial aviation services in support of Departmental programs as follows:

A. Aircraft Flight Services. All aircraft flight services shall be acquired through NBC AMD with the exceptions listed below. NBC AMD may provide acquisition services for these exceptions upon request.

(1) Seat fare on flights with scheduled air carrier is prohibited in tandem (2-seat) seating configured aircraft.

(2) Shipment of cargo by Government Bill of Lading (GBL) in accordance with Federal Management Regulations (FMR), 41 CFR 102-117, provided:

(a) DOI does not have operational control of the aircraft (as defined in 350 DM 1), and

(b) No DOI personnel are aboard the aircraft (other than on a seat fare basis with a scheduled air carrier), and

(c) The aircraft is operated entirely within the applicable 14 CFR as a civil aircraft.

(3) Transactions to acquire an end product or service other than flight services. (See OPM "*Identification of End Product/Service and Flight Service Procurement.*")

(a) All of (2)(a), (b), and (c) above apply.

(b) Technical expertise to manage the project resided exclusively within the bureau (aerial photography, seed/fertilizer, herbicide application, etc.),

(c) There are not aircraft or crew specifications, nor approvals by NBC AMD, identified within the procurement document, and

(d) No DOI personnel are on board.

B. Other Services. Other aviation-related services such as the purchase of aircraft, aircraft components, parts and accessories, maintenance services, etc., shall be procured through the NBC AMD procurement office. This does not preclude bureaus from purchasing equipment for permanent installation on fleet aircraft when coordinated with NBC AMD Fleet Management. If the value of the equipment exceeds \$5,000, the equipment must be transferred to NBC AMD on form DI-104. This paragraph is not intended to cover convenience items such as wing covers, portable heaters, or pilot personal equipment such as headsets, helmets, map holders, etc.

1.3 Request Procedure.

A. Aircraft Rental Agreement System (ARA), On-Call SEAT's, On-Call Air Attack, and On-Call Light Helicopters. Flight services can be obtained directly from the contractors who have an established aircraft rental agreement or on-call contract with NBC AMD and are identified under the CWN Program or by contacting the appropriate NBC AMD Regional Flight Coordination Centers (FCC).

B. Formal Contracts. All requests for formal contract shall be initiated by the submission of an applicable NBC AMD "*Request for Contract Services*" form AMD-13 (www.nbc.gov/amd). Completion of the request form to include adequate signatures is required. The requesting bureau prior to submission must satisfy procurement limitations or approval requirements established by the supervising Assistant Secretary. Requests for contract services shall be submitted to appropriate NBC AMD Regional Office. The requesting office shall include as applicable, the following:

(1) Identification of Proposed Contract Requirements/Specifications. The requesting bureau shall complete and submit an airplane or helicopter questionnaire to the appropriate AMD Regional Office. NBC AMD will work with the requesting office to refine specific requirements appropriate for the mission.

(2) Justification for Other Than Full and Open Competition.

(a) If other than full and open competition is recommended, the requesting bureau shall provide a proposed justification for other than full and open competition to the NBC AMD for review. As a minimum, each proposed justification shall include the following:

(i) All information required by Federal Acquisition Regulation 48 CFR 6.303-1 and 48 CFR 6.303-2, and

(ii) All requirements of the Department of the Interior Acquisition Regulation (DIAR) 48 CFR 1406.303-1 and DIAR 48 CFR 1406.303-70 excluding the information listed at DIAR 48 CFR 1406.303-70(a)(4) which directs that "the initiating office shall evaluate and document all responses to the notice."

(b) Based on the information received from the bureau, the NBC AMD Contracting Officer (CO) will determine if a synopsis is required. If a synopsis is required, the NBC AMD CO will determine how it is to be issued and will evaluate and document all responses.

(c) After signing the justification, the NBC AMD CO shall forward it for approval in accordance with Federal Acquisition Regulation 48 CFR 6.304 and DIAR 48 CFR 1406.304.

(3) Justification for Specific Make and Model. The written determination required under 48 CFR 6.303 shall be submitted by the requesting bureau with the requisition if competition is to be limited to the product of a single manufacturer.

C. Small and Disadvantaged Business Utilization (SDBU) Contracting Program. The requesting bureau shall identify potential SDBU opportunities in their "Request for Contract Services," form AMD-13 (www.nbc.gov/amd). NBC AMD shall similarly screen requests for such opportunities and notify requesting bureaus of any opportunities available. Determinations to set procurement aside for small and disadvantaged concerns under the Small Business Administration (SBA) 8(a) Program will be made jointly by the requesting bureau and NBC AMD in cooperation with SBA.

1.4 **Procurement Leadtime**. Requests for contract services should be submitted at least 120 calendar days in advance of the anticipated date of contract award for competitive acquisitions and 160 calendar days for noncompetitive acquisitions. If requests are submitted with less leadtime than stipulated above, delays may result in desired start dates. Under these circumstances, the requesting office shall contact NBC AMD contracting officials to establish a realistic acquisition schedule.

1.5 **Award of Contract.**

A. Bureau Recommendation for Award and Funding Availability Certification. Prior to award of a contract, the Contracting Officer will obtain the requesting bureau's recommendation for award. In conjunction with the recommendation to award, the requesting bureau must provide written assurance from a responsible bureau fiscal authority that funds are available for the contract to be awarded.

B. Contract Dissemination. The requesting office will be provided copies of the awarded contract and all necessary forms and instructions to be used in administration of the contract. A contract-pricing statement is provided for reconciling subsequent billings for services from NBC AMD.

1.6 **Contract Administration.** Administration of the contract is a joint responsibility of the requesting bureau and NBC AMD, with ultimate responsibility and authority vested in the Contracting Officer. Administrative functions are delegated to the Contracting Officer's Representative (COR), who is generally a bureau representative. Technical aviation functions are delegated to the Contracting Officer's Technical Representative (COTR) who is a representative of NBC AMD (refer to the Appendix, which delineates contract administrators roles and responsibilities).

1.7 **Payment Processing.** NBC AMD will make payment to the contractor in accordance with all Federal disbursement rules and regulations and bill the using bureau through the Intra-Governmental Payment and Collection (IPAC) billing process. A statement detailing individual use will accompany the billings. The dollar amounts due by line item, date, agency order number, and type of service received will be displayed. To improve the accuracy of billing and data feedback, reports are generated to fulfill bureau requests. Bureaus should ensure that Aircraft Use Reports are accurately completed, signed, and forwarded to NBC AMD in a timely manner and document daily activity, as required by the pertinent flight service contract or Aircraft Rental Agreement (ARA).

1.8 **Ratification of Unauthorized Commitments.** Bureaus should take positive action to preclude, to the maximum extent possible, the need for ratification actions of unauthorized commitments. As used in this part, an "unauthorized commitment" means an agreement that is not binding solely because the Government representative who made it lacked the authority to enter into that agreement on behalf of the Government; and "ratification" means the act of approving an unauthorized commitment by an official who has the authority to do so. Ratifications will be processed as prescribed by 48 CFR 1.602-3 and DIAR 48 CFR 1401.602-3.

Contract Administrators Roles and Responsibilities

A. Contracting Officer (CO).

The CO has the authority to enter into, administer, and/or terminate contracts and is responsible for all contractual actions including contracting procedures and methods, contract legality with existing laws and regulations, and proper contract administration. The CO may delegate certain contract inspection and administration functions; however, the CO is the only individual authorized to modify or change a contract provision or issue a final decision under the disputes clause.

B. Contracting Officer's Technical Representative (COTR).

The COTR is appointed by and is directly responsible to the CO for ensuring compliance with the technical provisions of the contract. The COTR conducts required and requested inspections, including initial inspections, and approves the contractor's aircraft, equipment, and personnel prior to, and during, contract performance. The COTR may discuss changes or modifications in equipment or other requirements of the contract and provide recommendations to the CO, but may not commit the Government to such changes, modifications, or adjustments.

C. Contracting Officer's Representative (COR).

The COR is appointed by and is directly responsible to the CO for ensuring compliance with the administrative provisions of the contract. Primary responsibility of the COR is monitoring contract performance, communications with the contractor in day-to-day operations, and verifying accurate completion and timely submission of invoices. The COR may recommend to the CO proposed changes and adjustments in the contract, but may not commit the Government to such changes, adjustments, or modifications. The COR is responsible for verifying the work performed upon which payment is based.

D. Alternate (COTR) and Alternate (COR).

The Alternate COTR and Alternate COR are appointed by the CO and temporarily serve in the capacity of the COTR and COR to cover periods (generally greater than 7 continuous days) when the COTR or COR are unavailable to effectively perform his/her duties. The temporary assignment must be directed in writing by the COTR or COR with notification provided to the Contractor and the CO.

E. Project Inspector (PI).

The PI is designated in writing by the COTR or COR. Duties include the inspection of contractor furnished equipment and services to determine conformance to contract requirements and preparation of correspondence, reports and maintaining communication with the COTR or COR or their designated alternate. The designation of a PI does not re-delegate the COTR or COR's

authority to represent the government under the assigned contract. The COTR or COR remains the delegated Government representative(s) directly responsible to the Contracting Officer.